

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer No. 53080  
Yuu INATOMI, et al. : Confirmation No.: 2569  
Application No.: 10/827,424 : Group Art Unit: 1795  
Filed: April 20, 2004 : Examiner: OI K. CONLEY  
  
For: ELECTROCHEMICAL DEVICE AND ELECTRODE ACTIVE  
MATERIAL FOR ELECTROCHEMICAL DEVICE

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed September 10, 2010, having a shortened statutory period for response set to expire October 10, 2010, wherein the Examiner required restriction that ***one specific compound*** be elected, as recited, for example, in 59 or 60 or 61 or one of 25.

Applicants elect the compound of general formula (9) of claim 59, with claims 32, 35, 38, 44, 47, 50 and 53 being readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 10/8/10

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